IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

COMPANY APPLICATION NO.229 OF 2005
IN
COMPANY PETITION NO.731 OF 2004

M/s.Naturally New Zealand Holicays (1995) Ltd. ...Petitioner.
Vs.
M/s. Shree Raj Travels & Tours Ltd. ...Respondent.

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Mr. P.S. Anand for the Applicant.
Mr. Rajesh Shah for the Petitioner.

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CORAM :DR.D.Y.CHANDRACHUD, J.
April 18, 2007.

P.C.:

The Company Petition was admitted by an order dated 31st March 2005. The application in the present case has been filed for recalling the order of admission. In para 10 of the affidavit in support, it has been stated that even after the service of statutory notice dated 29th July 2004, the Company was in constant contact with the representative of the original Petitioner and a meeting had been held in the last week of February 2005. Now it is stated that even after the order of admission, an e-mail was addressed on behalf of the original Petitioner to the company clarifying that there are various discrepancies which were noted in the accounts in respect whereof credit was required to be given to the applicant. Having regard to the the facts and circumstances of

the case, and particularly that there is an ongoing business relationship between the parties, it would be appropriate and proper if the order of admission is recalled and the Company Petition is restored to the file so as to enable the applicant to advance a defence to the Company Petition. The Company Application is accordingly made absolute by recalling the order of admission dated 31st March 2005. The petition shall be placed on board on 13th June 2007. Affidavit in reply to be filed on or before 4th June 2007. Rejoinder, if any, to be filed on or before 11th June 2007.

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